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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) Case No.: 2:16-cr-00005-RFB
9 Plaintiff,)
10 vs.) **STIPULATION TO CONTINUE
11 RICHARD SCAVONE,) REVOCATION HEARING**
12 Defendant.)
13 _____) **(THIRD REQUEST)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between BRIAN J. SMITH, counsel
15 for RICHARD SCAVONE, Nicholas A. Trutanich, United States Attorney, and NICHOLAS D.
16 DICKINSON, Assistant United States Attorney, that the revocation hearing currently scheduled for
17 November 10, 2020, at the hour of 10:00 a.m., be vacated and set to a date and time convenient to
18 this court, but in no event earlier than sixty (60) days.

19 This Stipulation is entered into for the following:
20

21 1. In response to the outbreak of the coronavirus disease 2019 (“COVID-19”) in the District
22 of Nevada, the Court has issued a series of general orders changing how the Court
23 operates to do its part in containing the spread of COVID-19. See General Orders 2020-
24 02, 2020-03, 2020-04, 2020-05, 2020-08, 2020-09, 2020-10 (the “COVID-19 General
25 Orders”).¹ In Amended General Order 2020-03, the Court continued all jury trials
26 indefinitely. Since then, the Court has begun incrementally resuming limited in-person
27 hearings, though the Court recognizes that emergency conditions that led the Court to
28 authorize the use of video and telephone conferencing under the “Coronavirus Aid,

Relief, and Economic Security Act” (“CARES Act”) continue to exist. The Court now amends Temporary General Order 2020-03 to allow jury trials to proceed in accordance with the Court’s internal plan for resuming jury trials.

2. The pending petition involves a New York State criminal charge. Defendant Scavone's scheduled court date in that matter is November 19, 2020. According to the Assistant District Attorney assigned to the matter, Scavone's court date will likely be moved because of the COVID pandemic.
3. The parties anticipate Defendant Scavone's state case will affect the resolution of the pending petition.
4. Defendant Scavone, who is not in custody, agrees to the continuance.
5. Brian J. Smith, counsel for Scavone is in agreement with this continuance.
6. Counsel for the government is in agreement with this continuance.
7. The additional time requested by this stipulation is made in good faith and not for purpose of delay.
8. Additionally, denial of this request or continuance would result in a miscarriage of justice.

This is the third stipulation to continue filed herein.

DATED this 9th day of November, 2020.

RESPECTFULLY SUBMITTED BY:

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Nicholas D. Dickinson
NICHOLAS D. DICKINSON, ESQ.
Assistant United States Attorney

/s/ Brian J. Smith
BRIAN J. SMITH, ESQ.
Attorney for SCAVONE

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) Case No.: 2:16-cr-00005-RFB
9 Plaintiff,)
10 vs.) **FINDINGS AND ORDER ON**
11 RICHARD SCAVONE,) **STIPULATION**
12 Defendant.) **(THIRD REQUEST)**
13

14 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

15 Based upon the submitted Stipulation of the parties, and good cause appearing therefore, the
16 Court finds that:

17 1. In response to the outbreak of the coronavirus disease 2019 (“COVID-19”) in the District
18 of Nevada, the Court has issued a series of general orders changing how the Court
19 operates to do its part in containing the spread of COVID-19. See General Orders 2020-
20 02, 2020-03, 2020-04, 2020-05, 2020-08, 2020-09, 2020-10 (the “COVID-19 General
21 Orders”).¹ In Amended General Order 2020-03, the Court continued all jury trials
22 indefinitely. Since then, the Court has begun incrementally resuming limited in-person
23 hearings, though the Court recognizes that emergency conditions that led the Court to
24 authorize the use of video and telephone conferencing under the “Coronavirus Aid,
25 Relief, and Economic Security Act” (“CARES Act”) continue to exist. The Court now
26 amends Temporary General Order 2020-03 to allow jury trials to proceed in accordance
27 with the Court’s internal plan for resuming jury trials.

1 2. The pending petition involves a New York State criminal charge. Defendant Scavone's
2 scheduled court date in that matter is November 19, 2020. According to the Assistant
3 District Attorney assigned to the matter, Scavone's court date will likely be moved
4 because of the COVID pandemic.

5 3. The parties anticipate Defendant Scavone's state case will affect the resolution of the
6 pending petition.

7 4. Defendant Scavone, who is not in custody, agrees to the continuance.

8 5. Brian J. Smith, counsel for Scavone is in agreement with this continuance.

9 6. Counsel for the government is in agreement with this continuance.

11 **CONCLUSIONS OF LAW**

12 1. Denial of this request for continuance would deny the defendant sufficient time to be able
13 to fairly resolve his case, taking into account the exercise of due diligence.

14 2. The additional time requested by this stipulation is made in good faith and not for
15 purpose of delay.

16 3. Additionally, denial of this request or continuance would result in a miscarriage of
17 justice.

19 This is the third stipulation to continue filed herein.

20 **ORDER**

21 **IT IS THEREFORE ORDERED** that the revocation hearing currently scheduled for
22 November 10, 2020, at the hour of 10:00 a.m., be vacated and continued to January 19, 2021
23 at the hour of 11:00 a.m.

24 DATED this 9th of November, 2020.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE